

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

OWEN J. ROGAL, D.D.S., P.C.,)

Plaintiff,)

v.)

SKILSTAF, INC.,)

Defendant.)

**CIVIL ACTION NO.
3:06-cv-00711-MHT**

OWEN J. ROGAL, D.D.S., P.C.,)

Plaintiff,)

v.)

SKILSTAF, INC.,)

Defendant.)

**CIVIL ACTION NO.
3:06-cv-00728-MHT**

**DEFENDANT’S UNOPPOSED MOTION
FOR PROTECTIVE ORDER AND FOR LEAVE TO FILE
ADMINISTRATIVE RECORD UNDER SEAL**

Pursuant to Federal Rule of Civil Procedure 26(c), Defendant Skilstaf, Inc. (“Skilstaf”) moves for entry of a protective order and for permission to file excerpts from the administrative record in paper form under seal. Pursuant to the Uniform Scheduling Orders entered by the Court on October

12, 2006 in each of the above-styled cases, a proposed Order in Adobe Acrobat PDF format has been attached to this motion as Exhibit 1 and a proposed Order in Word format has been electronically transmitted directly to the Court's chambers as an attachment to an email. As grounds for this motion, Skilstaf states as follows:

1. In the above-styled actions, Plaintiffs claim group health care coverage under an employee benefit plan governed by the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 ("ERISA").

2. In deciding Plaintiffs' administrative claims, an administrative record was compiled with several hundred pages, many of which include sensitive medical records, financial information, personal identifying information, and information protected by the Health Insurance Portability and Accountability Act of 1996 ("HIPPA").

3. Under the Administrative Procedures adopted by the Middle District of Alabama, a party complies with the E-Government Act of 2002 by moving for leave of court to file conventionally un-redacted documents under seal where those documents, like the ones included in the administrative record, contain sensitive information.

4. The sensitive nature of the documents contained in this administrative record, the absence of public interest in such sensitive information, and the burden of redacting such information from several hundred pages of documents warrants the filing of un-redacted excerpts from the administrative record.

WHEREFORE, Skilstaf hereby respectfully requests the Court for leave to file under seal un-redacted excerpts from the administrative record for Plaintiffs' group health care claims.

Respectfully Submitted,

s/Charles A. Stewart III

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Attorneys for Defendant
Skilstaf, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Robert E. Cole
437 Chestnut Street, Suite 218
Philadelphia, PA 19109

Beth A. Friel
Jeanne L. Bakker
Mongtomery, McCracken, Walker & Rhoads
123 South Broad Street
Philadelphia, PA 19109

and I hereby certify that I have mailed by U. S. Postal Service the document to the following non-CM/ECF participants: None.

/s/ Amelia T. Driscoll

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PROTECTIVE ORDER

Pursuant to Federal Rule of Civil Procedure 26(c), and upon consideration of Defendant's Unopposed Motion for Protective Order and for Leave to File Administrative Record under Seal, the Court hereby grants leave to the parties to file excerpts from the ERISA administrative record under seal without redacting sensitive information and without filing a

redacted version of the same materials. Such documents filed under seal shall remain sealed unless the Court subsequently orders them to be unsealed. This order does not rule on what should or should not be considered by the Court in deciding the underlying ERISA claims.

DONE this ____ day of _____, 2007.

Myron H. Thompson
United States District Judge